

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIOFILED  
RICHARD W. NAGEL  
CLERK OF COURT

2023 FEB 23 PM 1:20

DWAYNE SIMS

(Plaintiff(s))

V.

C/O McCleod

(Defendant(s))

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST DIV. COLUMBUS

## Declaration of DWAYNE SIMS

Civil Action No. 2:23-cv-00540-NAM-SKB

DWAYNE SIMS HEREBY declares:

I have been Incarcerated here at Southern Ohio Correctional Facility Since July, 8<sup>th</sup> 2022 since April 23, 2022 I have been Detracted or by The Defendants Name In the complaint on several occasions I have been targeted due to me refusing to enter into the gang prevention program I have been targeted due to me refusing to, ODC has inmates who are in gangs and suspected inmates who sell drugs.

ON 08/23/2022 I won my S.M.P appeal from the operation support center due to my 48 hour Notice could not be verified, due to the fact the SMP panel lied and forged a false signature and said I was at The SMP Hearing when I never went to a SMP Hearing or refused to go So Kair L. Hupka The program administrator the III at the Operation Support center ordered for a New Review to be completed I told The defendant giving oppy several times to do me a New Review Because my regular Review is September 02, 2022 and I never violated none of my IAP grants he refused several times I wrote him Informals complaint and a grievances that was never answered so I sent it to the chief Inspector.

ON Sept, 29 2022 I was sent to the hole for going to Rec' I never violated any institutional rule The Rec officer stated you are on Recreation restriction so he cuffed me back up after giving me Inside the recreation cage and then coming back outside and cuffing me back up saying Im going to the hole for coming to Recreation when the Rec officer allowed me to come, His(Bloc) was Activated and He walked me to b-H I was Stripped out searched Nothing was found I was placed In cell 17 on J-2 Slammer side only five minutes Inside that cell I never was given any of my property so the C/O working that day knew I didn't have anything In that cell at that time, I found a knife and a P.I. placed In my cell I immediately not find The C.O's working, ~~at~~ time

To Call a white Case# 1:23-cv-00105-JPH-SKB Doc#: 6 Filed: 02/23/23 Page: 2 of 3 PAGEID #: 41  
her this was found In this cell when I just got placed In here without my pickup I placed it In her hand she took it and said she will do what she is suppose to do I found out five days later I had a ticket for a weapon that I never received a Hearing for.

OCT, 31 2022 I did over 29 days In R.H after being assaulted I did 32 days In R.H when you can do only up to 29 days In R.H

02/04/23 all of my apps has been turned off on my tablet I have been restricted from the law library and using the phone, I Received another 9 days for using the phone when I never Received my one call a month To call opposition support center. I am being refused to get transferred to another level or when I have been on the waiting list for 2 months.

I will suffer irreparable injury to my mental health also loss to my property and liberty, If my fundamental due process are continued to be violated and damages to my well being If the court does not sign my temporary restraining order

I declare under penalty of perjury that the foregoing is true and correct Executed on Feb 15 2023 at Southern Ohio Correctional Facility City of Lucasville, State of Ohio 45649.

DWA/NR SIMS #753-052

Southern Ohio Correctional Facility

Po. Box 45699  
Lucasville, Ohio 45699

Southern Ohio Correctional Facility  
Outgoing Inmate Mail



US POSTAGE<sup>TM</sup> PITNEY BOWES

ZIP 45648 \$ 001.50<sup>0</sup>  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
85 Marconi Boulevard Room 121  
Columbus, Ohio 43215